

REMARKS

Applicant respectfully requests reconsideration.

Claims 43, 58, 116-121, 204, 206-209, 211-213 and 223-232 were previously pending in this application, with claims 233 and 234 being withdrawn.

Claims 43, 58, 116-121, 204, 206-209, 211-213 and 223-232 have been amended.

Applicant notes that the Examiner has withdrawn the previous 102(b) rejection in light of the arguments presented by Applicant and has specifically conceded that the previously cited Illum et al. reference does not teach using unformulated particles. New claims 235-238 have been added. Support for the amendments and newly added claims can be found throughout the specification and in the claims as originally filed. Claims 233 and 234 have been canceled.

As a result, claims 43, 58, 116-121, 204, 206-209, 211-213, 223-232 and 235-238 are pending for examination with claim 43 being an independent claim.

No new matter has been added.

Rejections under 35 U.S.C. §112, second paragraph

Claims 43, 58, 116-120, 204, 206-209, 211-213 and 223-232 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has argued that the phrase "heparin-like glycosaminoglycan" is a relative term which renders the claims indefinite. In addition, the Examiner has argued that claim 232 is indefinite, as it is drawn to a method of producing a therapeutic effect without stating what is actually being affected.

Applicant respectfully traverses. In regard to the phrase "heparin-like glycosaminoglycan" (HLGAG), Applicant maintains that the phrase is sufficiently definite, and the metes and bounds of the claims that recite the phrase would be sufficiently clear to one of ordinary skill in the art. Again, as argued previously, the term is not only described in the instant specification but is also a term of art known to those of ordinary skill. Applicant has sufficiently demonstrated this with the evidence presented in response to the Office Action of February 25, 2005. The Examiner's only rebuttal is the citation of a reference (the '504 patent) that recites a definition *consistent* with the one put forth by Applicant. The definition provided in the '504 patent merely uses the more general term "hexosamine" instead reciting "glucosamine"

specifically. Glucosamine is, in fact, a type of hexosamine and a known constituent of heparin. The Examiner's argument is not sufficient to demonstrate that one of ordinary skill in the art would not understand what molecules are considered to be HLGAGs. Accordingly, the rejection cannot be sustained.

Further, in regard to claim 232, Applicant maintains that one of ordinary skill in the art would readily recognize that the compositions of the claims can be used to produce any of a number of therapeutic effects. A number of examples of such therapeutic effects are provided in the instant specification, such as, for example, on pages 22-31. One of ordinary skill would clearly recognize that the compositions of the claims can be used for the treatment of any type of condition in which the composition is identified as a useful therapy. To list specific diseases intended to be treated would be unnecessarily limiting.

In view of the foregoing, reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 43, 116-119, 121, 204, 206, 207 and 223-231 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6569458 to Gombotz et al.

Applicant respectfully traverses. The heparin particles of Example 5 of Gombotz et al. are not dry and unformulated as required in the rejected claims. Namely, the particles are dissolved in deionized water and, therefore, are not dry.

In view of the foregoing, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



Janice A. Vatland, Ph.D.
Registration No.: 52,318
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000

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